

Approved: 3/30/10

Date

MINUTES OF THE HOUSE COMMERCE AND LABOR COMMITTEE

The meeting was called to order by Chairman Steve Brunk at 9:02 a.m. on March 9, 2010, in Room 784 of the Docking State Office Building.

All members were present.

Committee staff present:

Art Griggs, Office of the Revisor of Statutes
Renaë Jefferies, Office of the Revisor of Statutes
Dennis Hodgins, Kansas Legislative Research Department
Stephen Bainum, Committee Assistant

Conferees appearing before the Committee:

Rocky Nichols, Disability Rights Center of Kansas
Ron Passmore, KETCH
Askia Adams,
Chris Testorff, Self Advocate Coalition of Kansas
Angela Bauer, Families Together, Inc
Jean Hall, University of Kansas Working Healthy Evaluation Team
Jane Rhys, Kansas Council on Developmental Disabilities
Rick Cagan, National Alliance on Mental Illness
Joe Steffy,
Dino DeMarco, Extreme Recycling
Beth Stockwell, Johnson County Developmental Services
Robyn Herzog,
Sally F. Fronsman-Cecil, National Alliance on Mental Illness
Michael Donnelly, Kansas Rehabilitation Services
Wendy Parent, Kansas University Center on Developmental Disabilities
John Baldwin, STAND of Parsons

Others attending:

See attached list.

The Chairman opened the hearing on **HB 2669**.

H Sub for H 2669 **Disabilities, Kansas employment first initiative act and Kansas employment first oversight committee**

The following provided written only testimony in support of **H Sub for H 2669**.

Kathy Lobb, Self-Advocate Coalition of Kansas (Attachment 1).

Barbara Bishop, The Arc of Douglas County (Attachment 2).

Jan Bolin, Class LTD (Attachment 3).

Martha K. Gabehart, Kansas Commission on Disability Concerns (Attachment 4).

Shannon Jones, Statewide Independent Living Council of Kansas (Attachment 5).

Michelle Sweeney, Association Community Mental Health Centers of Kansas, Inc. (Attachment 6).

The meeting was turned over to Vice-Chair, John Grange.

Renaë Jefferies, Assistant Revisor, provided an explanation of the bill (Attachment 7).

Rocky Nichols, Disability Rights Center of Kansas, gave testimony in support of **HB 2669** (Attachment 8). He presented the Rocky Nichols Balloon Amendment 1 (Attachment 9) for the Committee's consideration.

Ron Passmore, KETCH, presented testimony as a proponent of **HB 2669** (Attachment 10).

Askia Adams presented testimony as a proponent of **HB 2669** (Attachment 11). He told about how difficult it was for a person with disabilities to find a job.

CONTINUATION SHEET

Minutes of the House Commerce and Labor Committee at 9:02 a.m. on March 9, 2010, in Room 784 of the Docking State Office Building.

Chris Testorff, Self-Advocate Coalition of Kansas, gave testimony in support of **HB 2669** (Attachment 12). She said the bill would give people with disabilities a fair chance of getting employment.

Angie Bauer, Families Together, Inc. testified as a proponent of **HB 2669** (Attachment 13). It is important that we all support the need and the right of individuals to procure employment.

Jean P. Hall, University of Kansas Working Healthy Evaluation Team, provided testimony in support of **HB 2669** (Attachment 14).

Jane Rhys, Kansas Council on Developmental Disabilities, presented testimony as a proponent of **HB 2669** (Attachment 15). She indicated that Kansas ranks 46th in the nation for supporting meaningful work for persons with developmental disabilities. We can and must do better.

Rick Cagan, National Alliance on Mental Illness, gave testimony in support of **HB 2669** (Attachment 16). He indicated that the unemployment rate of persons with severe mental illnesses remain as high as 80 to 90 percent.

Joe Steffy, Poppin Joe's Kettle Korn, gave a powerpoint presentation of his Kettle Korn business. He is supporting **HB 2669** (Attachment 17).

Dino DeMarco, Extreme Recycling, Inc. presented testimony in support of **HB 2669** (Attachment 18). They are located in Topeka and employ an individual with disabilities. They also hire a temporary crew from TARC to sort software and small recyclable items.

Beth Stockwell, Johnson County Developmental Services, gave verbal only testimony in support of **HB 2669**. She said that people with disabilities want to be productive members of the community. Employment boosts their self worth.

Robyn Herzog presented testimony as a proponent of **HB 2669** (Attachment 19). She enjoys working with the elderly at Brandon Woods Nursing Home in Lawrence. She wants to contribute something good to the world.

Sally F. Fronsman-Cecil, National Alliance on Mental Illness, gave testimony as a proponent of **HB 2669** (Attachment 20)

Michael Donnelly, Kansas Rehabilitation Services, presented testimony as a proponent of **HB 2669** (Attachment 21). Research demonstrates that employment is a significant contributor to the recovery of persons with mental illness.

Wendy Parent, Kansas University Center on Developmental Disabilities, testified as a proponent of **HB 2669** (Attachment 22). Kansas reports a benefit-cost ratio of \$1.20. In other words, for every dollar spent to support someone in supported competitive employment yields a return on investment of \$1.20.

John Baldwin, STAND of Parsons, presented testimony as a proponent of **HB 2669** (Attachment 23). He said that it was wrong for people with disabilities to not have the same chance to get a community job as someone without a disability.

The hearing on **HB 2669** was closed.

The next meeting is scheduled for March 10, 2010.

The meeting was adjourned at 10:29 a.m.

COMMERCE & LABOR COMMITTEE

DATE: 3-9-10

NAME	REPRESENTING
Lauson Phillips	LPA
Heather Hicks	TARC
Mary Ellen Wright	KHPA
Jean Hall	KU
TED Henkel	CAPITOL STRATEGIES
Hannah Sanders	KHPA
V. Moyer	KHPA
Jan Rye	KCDD
Rocky Nichols	DRC
Paul Perreilly	SES / UR
Starline Management	intern John Ettridge
Andy Contreras	Clay Center Area Chamber of Commerce
Melissa Spellman	Clay Center Leadership BID
John Joe Doherty	D.J.A.N.D
Mrs. Smith	STAND OF PANSORS
Nick Wood	DISABILITY RIGHTS CENTER
Angie Bauer	Families Together, Inc
Chris Testoff	SACK
Ray Steffy	his Dad
Janet Steffy	his Mom
Askia Adams	myself
RICK CAGAN	NAMI Kansas
ANDREA McMURRAY	COTTONWOOD, INC ; Self Advocates of Lawrence
Megan Botterberg	KDOL



Promoting empowerment and Independence.

I would like to thank the Representatives on this committee for the chance to offer written testimony today.

My name is Kathy Lobb, and I am the Legislative Liaison for the Self Advocate Coalition of Kansas, better known as SACK .

I would like you to know that we are in full support of House Bill 2669 establishing the Employment First Initiative in Kansas.

Employment is an important part of adulthood, whether or not you have a disability. It gives people a chance to lift themselves out of poverty, and it gives them a sense of self worth. Too many day services for people with disabilities, however, don't focus on helping people find competitive jobs in the community.

The Employment First Initiative would help right that wrong.

The Employment First Initiative would help to turn people who use taxpayer dollars into taxpayers like myself.

The Employment First Initiative would help people who need supports to become more self reliant and independent.

I have worked in the community, and it has changed my life. I am a homeowner; I am a taxpayer; and, I am a member of my community.

Please help other people with disabilities achieve what I have been able to do and sign House Bill 2669 into law.

Thank you,

Kathy Lobb

2518 Ridge Court Rm 236
Lawrence, KS 66046

House Commerce & Labor

Date: 3-9-10

Attachment # 1



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Chairperson Brunk and Members of the Committee: Building a community
of acceptance.

My name is Barbara Bishop and I am the Executive Director of The Arc of Douglas County. That greeting in some form will begin most of the testimony you will hear and read in discussion of Employment First. "Hi, I am Mike; I am a computer tech at Best Buy." "Hello, I am Dr. John Smith of the University of Kansas." In this country we greet each other that way because what we do and where we work is an integral part of our identity. We ask our children what they want to be when they grow up because employment is so important.

Employment First is an initiative that places the same emphasis on employment for people with disabilities that we expect for people without disabilities. It asks state agencies, policy makers and service providers to change their mindset – to ask not whether this person COULD work in the community but to expect that outcome. It teaches parents that employment must be part of their child's future and encourages educators to prepare their students to meet that outcome. Employment in the community at the same wage as others doing the same work must be the first option for people with disabilities of working age.

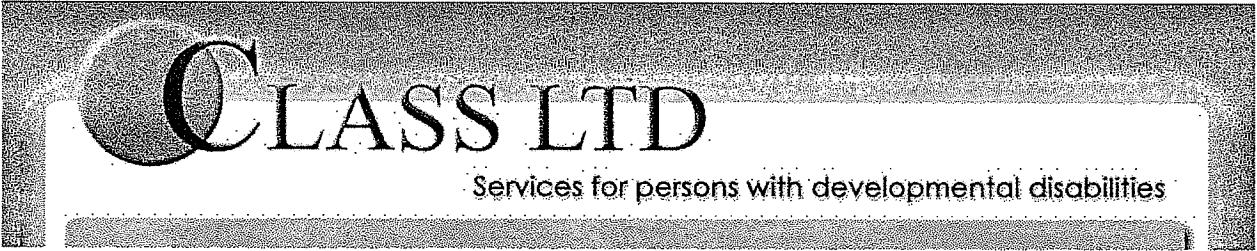
A job in the community at a commensurate wage seems a simple logical part of adult life but for most people with disabilities it is either an unmet goal or, all too often, something that has never even been considered. If transition from school to adult life is successful for a person with a developmental disability, it usually means a planned move from the school setting to a sheltered workshop or a day program; work in the community is not even explored. Our current support system rewards the placement of people with developmental disabilities in congregate settings where they are paid at piece rate when work is available; some service providers have responded to the latest budget cuts by eliminating supports for community based employment altogether.

Studies show that people with disabilities who have jobs are healthier, happier and need fewer supports. Most of us socialize with the people with whom we work; we stop for a drink after work, attend each others weddings and baby showers and commiserate when our favorite sports team falters. People with disabilities who do not work in the community do not have those experiences; they are isolated, frequently homebound, and often lonely. People with disabilities want to work; the systems and supports they need should be geared towards helping them be successful in that venture, not serve as a disincentive to their achievement.

The
Arc
A chapter
of The Arc
of the
United States


United Way
A United
Way Agency

House Commerce & Labor
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Attachment # 2



My name is Jan Bolin and I am the President/CEO for CLASS LTD. I am providing testimony today in support of HB 2669, which establishes the Kansas employment initiative act.

CLASS LTD is a community service organization in southeast Kansas serving approximately 350 persons with developmental disabilities. I have known and worked with persons with developmental disabilities for over 40 years and know firsthand how important it is for people with developmental disabilities to have jobs that leads toward their self sufficiency. Having a job and earning a paycheck is very important to a person's sense of self-worth. Being unemployed, on the other hand, has devastating effects on the person and their family as well as a negative economic impact on our State's budget.

In Kansas we need to put employment for persons with disabilities as one of the top priorities for state funding for many reasons including:

- The number of employed working age adults with developmental disabilities who are employed is unacceptably low.
- Kansas needs everyone contributing to it economy.
- Employment is a human rights issue

HB 2669 would make the policy of the state of Kansas that employment of working aged adults with disabilities a first priority. CLASS LTD supports this legislation and urges you to vote in the affirmative.

Thank you for your time and consideration of this important legislation.

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Attachment # 3



Martha Gabehart, Executive Director

COMMISSION ON DISABILITY CONCERNS

KCDCinfo.com

Testimony in House Commerce and Labor Committee

In Support of HB 2669

By Martha K. Gabehart, Executive Director

Kansas Commission on Disability Concerns (KCDC)

March 9, 2010

Thank you Mr. Chairman and committee members for the opportunity to submit written testimony in support of HB 2669 which establishes the employment first policy and the Employment First Oversight Commission. I am Martha Gabehart, Executive Director of the Kansas Commission on Disability Concerns (KCDC).

KCDC is a catalyst for change in government. We work with the governor, legislature and agencies on issues that adversely affect people with disabilities. Our issue today is employment for people with disabilities. KCDC believes people with disabilities should work and play an active role in society. When people with disabilities work and are self-sufficient, they receive fewer government services and pay taxes, which increase state revenues.

HB 2669 establishes 1) a state policy that integrated, competitive employment is the first option for people with disabilities and 2) the Employment First Oversight Commission. The policy will require all state programs that provide services to people with disabilities to refocus their programs to support integrated, competitive employment. KCDC believes this policy will move more people with disabilities off government services and into their communities as active, taxpaying citizens.

As parents, our goal for our children is for them to be educated, prepared for living on their own and that they move out and live on their own. We as parents take for granted that preparing for living on your own includes having a job that will pay enough for rent, food, utilities, clothes, transportation and anything else our child needs. Our goal for people with disabilities should be no less. Children with disabilities need to know they are expected to graduate and work. Our education system and the government services that support families with children with disabilities need to realistically work toward that end. We understand that not everyone has the capacity to work, but the system should not assume people with disabilities cannot work. With this requirement that all public programs provide services based on the assumption that work is the goal, more people with disabilities will go to work and get the support they need in the process.

KCDC encourages you to pass favorably HB 2669.

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Attachment # 4

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House Commerce and Labor Committee
In Support of HB 2669
March 9, 2010

Mr. Chairman, members of the committee, thank you for this opportunity to speak in support of HB 2669.

My name is Shannon Jones. I am the director of the Statewide Independent Living Council of Kansas (SILCK). The SILCK envisions a world in which people with disabilities are valued equally and participate fully. To realize that vision, the SILCK works closely with the 12 Centers for Independent Living to promote productivity and economic self sufficiency for people with all types of disabilities.

For the past 20 years, the SILCK has hosted the Kansas Disability Caucus, bi-annually. Attendance at this event tops 600 Kansans with all types of disabilities, of all ages from every county in the state of Kansas. I will never forget my first experience at the Caucus. In every region of the state folks talked about wanting to go to work, yet the Social Security system had determined them too disabled to work and IF they went to work they would no longer have health care coverage. It was a Catch 22! The SS system literally held people hostage and determined that they would live a life of poverty forever. And why??? Because they had a disability!

Fortunately, in Kansas, the Legislature and the Governor took advantage of the opportunity offered in the Ticket to Work/Work Incentives Act (TWWIIA) and was awarded funding to implement the Medicaid Buy-in program in October, 2000.

Since FY 2000, the Kansas Medicaid Buy-in program or *Working Healthy* has witnessed continuous growth. Over time enrollees have increased their earnings and taxes paid and decreased their medical expenditures.

Nationwide, unemployment for people with disabilities is approximately 70%. According to the 2006 *American Community Survey (ACS)*, 45.3 % of Kansans with disabilities, ages 21 through 64 are employed, compared to 79.9 % of people in the same age range without disabilities. The 2006 *ASC* also reports that 34% of Kansans with disabilities live below 150% of the Federal Poverty Level, compared to 16% of their non-disabled peers. And United Cerebral Palsy (UCP) reported in *The Case for Inclusion 2008* that only 10% of Kansans with developmental disabilities are in supportive or competitive employment, ranking Kansas 46th in the nation in terms of supporting meaningful employment.

With these startling statistics, the SILCK feels the time is right and strongly supports HB 2669. Now is the time to call on all state agencies to review their policies, practices and procedures to ensure a consistent focus on competitive, integra

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optimal outcome for people with all types of disabilities while promoting an 'Employment First' policy.

Part of the economic downturn we are experiencing now relates to the unemployment or underemployment of people with disabilities. Individuals with disabilities have low incomes, no assets, and no or limited housing and transportation options. As a result, they rely heavily on publicly funded systems for support, including programs such as food stamps, energy assistance, MediKan and Medicaid, Social Security, subsidized housing and transportation, etc.

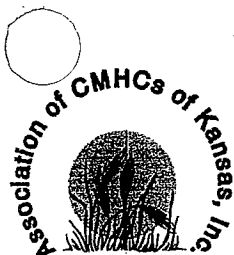
Promoting competitive, integrated employment or self-employment, and offering these as the first option for individuals with all types of disabilities, including those with developmental disabilities, will result in less dependence on these publicly financed programs for some people, and a complete break from these financial supports for others.

On a more humane level, it is through work that most people become engaged in their communities. Unemployment and segregated employment isolate individuals with disabilities from their communities, limits their access to the income necessary to participate in community activities, allows them to focus on their limitations and needs rather than what they can offer, and discourages the personal growth that comes with new and varying experiences.

HB 2669 calls for state agencies to:

- Inventory state plans, strategic plans, and mission and vision statements, to ensure competitive, integrated, employment of people with disabilities is encouraged and supported.
- Identify policies and procedures within agencies that are a disincentive to competitive, integrated employment of people with disabilities, and revise these so that they support competitive, integrated employment.
- Implement changes necessary to coordinate employment programs across agencies to maximize the employment of Kansans with disabilities, as well as tap into an under-utilized source of labor.
- Explore the possibility of implementing new initiatives that will increase the number of Kansans with disabilities who are competitively employed.
- Identify mechanisms for determining baseline data of how many people with disabilities are currently employed in Kansas, how many become employed, and the fiscal impact of their being employed
- Report annually to the Governor the number of employed Kansans with disabilities and the fiscal impact for the state.

In conclusion, the SILCK whole heartedly supports HB 2669 and urges this committee to report it favorably for passage.



Testimony to the House Commerce and Labor Committee
HB 2669
March 9, 2010

Mister Chairman and members of the Committee, my name is Michelle Sweeney, the Policy Analyst for the Association Community Mental Health Centers of Kansas, Inc. The Association represents the 27 licensed Community Mental Health Centers (CMHCs) in Kansas who provide home and community-based, as well as outpatient mental health services in all 105 counties in Kansas, with help available via phone 24-hours a day, seven days a week. In Kansas, CMHCs are the local Mental Health Authorities coordinating the delivery of publicly funded community-based mental health services. The CMHC system is state and county funded and locally administered. Consequently, service delivery decisions are made at the community level, closest to the residents that require mental health treatment. Together, this system of 27 licensed CMHCs form an integral part of the total mental health system in Kansas. As part of licensing regulations, CMHCs are required to provide services to all Kansans needing them, regardless of their ability to pay. This makes the community mental health system the "safety net" for Kansans with mental health needs, annually serving over 125,000 Kansans with mental illness.

It is important to note that one in four adults—approximately 57.7 million Americans—experience a mental health disorder in a given year.¹ Five of the top ten leading causes of disability world wide are mental disorders --such as depression, schizophrenia, bipolar disorders, alcohol use and obsessive compulsive disorders.² Of the non-communicable diseases, neuropsychiatric disorders (which include mental illness and substance use disorders) contribute the most to disease burden worldwide - more than heart disease and cancer.³

The truth is, mental illness can happen to anyone. With treatment, medication and other services and care, recovery is possible for those who have been diagnosed with mental illness. The onset of a mental illness does not make an individual unable to work once their condition is stable. In fact, one of the most successful ways of connecting people in their communities and rebuild self-worth is through meaningful work. The community mental health centers in Kansas have a long history of helping those consumers who want to and are able to work find jobs and support them in their employment. Not only do the Community Mental Health Centers in Kansas support employment for the many consumers we serve, the Governor's Mental Health Services Planning Council has an appointed Vocational Subcommittee which reviews and addresses vocational and employment issues for those with mental illness

The Governor's Mental Health Services Planning Council's Vocational Subcommittee formally agreed to a general endorsement of the concept in the Initial Employment First Work Group report of May 2009. The Vocational Subcommittee positions itself as a key advocate in helping the Employment First concept for "establishing integrated, competitive employment at a commensurate wage as the first priority for working-age Kansans with disabilities. The mission of the Vocational Subcommittee is to make recommendations to the Governor's Mental Health Services Planning Council which helps identify barriers and create opportunities in order for persons with Severe and Persistent Mental Illness to gain competitive employment.

The fact is, that individuals with mental illness who are employed may no longer need public assistance. If they are gainfully employed, they become tax paying citizens and contributors to their own communities. The Association supports the Employment First initiative, as do the Community Mental Health Centers in Kansas. Please note that the centers have been unable to participate at the rate that they would wish to, as all centers are in the midst of financial crisis given the status of the State's budget situation. It is important to note that as soon as they are financially able to again participate fully in the Employment First initiative, the centers will do so. Thank you for your time, I appreciate your interest and support of employment for persons with disabilities in our state. For more information, contact Sheli Sweeney, Association of Community Mental Health Centers of Kansas, Inc. at 785-234-4773 or ssweeney@acmhck.org.

¹ U.S. Department of Health and Human Services. *Mental Health: A Report of the Surgeon General*. Rockville, MD: U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Mental Health Services, 1999, pp. 408, 409, 411.

² *Regional Strategy for Mental Health*, World Health Organization Western Pacific Region, 7 August 2001; Read at <http://www.wpro.who.int/NR/rdonlyres/02421D66-3336-4C76-8D59-6ADA8B3D208/0/RC5214.pdf> on 2-2-09.

³ Prince, M., Patel, V., Saxena, S., Maj, M., Maseko, J., Phillips, M., et al. (2007). No health without mental health. *Lancet*, 370, 859-877.

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Attachment # 6

Office of Revisor of Statutes
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MEMORANDUM

To: House Committee on Commerce and Labor
From: Renae Jefferies, Assistant Revisor
Date: March 9, 2010
Subject: HB 2669

House bill 2669 establishes the Kansas employment first initiative act and the Kansas employment first oversight commission.

Section 1 provides that the act may be cited as the Kansas employment first initiative act and that it shall be the first priority of the state that public and private employers through competitive and integrated employment policies employ persons with disabilities.

Section 2 on page 1, provides that all state agencies shall coordinate efforts to encourage employment of disabled persons through state programs, policies, procedures and funding to support competitive and integrated employment of persons with disabilities in both the public and private sector.

Section 3 on pages 1 and 2 establishes the Kansas employment first oversight commission. The commission shall have 21 members with eight members making a quorum. The commission shall meet at least four times a year. Members of the commission who are not employees of the state shall receive payment for mileage and other expenses as provided in K.S.A. 75-3212. The commission shall set out measurable goals for the state to ensure implementation of the act and to provide oversight of the act's implementation in the public and private sector. The commission shall make an annual report detailing the goals and progress toward the employment first initiative and the barriers to achieving the outcomes along with strategies and policies to fulfill the goals of the act. The department of SRS shall be the lead agency responsible for compiling data and coordinating the preparation of the annual report.

The act would become effective upon publication in the statute book.

The fiscal note indicates a price tag of at least \$67,144 from the state general fund under the provisions of this act.



EQUALITY ♦ LAW ♦ JUSTICE

Disability Rights Center of Kansas

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Testimony in to the Commerce and Labor Committee in support of the Employment 1st Bill

March 9, 2010

My name is Rocky Nichols, Executive Director of the Disability Rights Center of Kansas (DRC). DRC is the federally mandated, officially designated protection and advocacy organization for Kansans with disabilities. One critical role of DRC, as empowered by federal law, is to advocate for the legal and civil rights of people with disabilities, including the rights involving employment.

The Employment First bill is the right public policy for the state of Kansas. It does three main things:

- 1) Sets as the official policy of the state of Kansas that integrated, competitive employment shall be considered the first option.
- 2) Ensures coordinated efforts among agencies to increase collaboration and ensure that state programs, policies, procedures and funding support competitive and integrated employment.
- 3) Sets up an oversight commission to set the measurable goals, outcomes and objectives toward meeting this policy, and makes an annual report to the legislature in this regard. This commission is important because it is the accountability component that ensures the policy enacted by the Legislature is actually realized.

The beauty of this bill is that it sets the official policy of the state of Kansas (the employment first initiative) and has the work of the State all flow from that policy. This is the right policy for the state to have, and the efforts of the state should be directed toward this policy.

We are offering an amendment to the bill that 'cleans up' the Employment First bill and helps to ensure the bill focuses on the its original intent (there were staff errors in drafting it). The amendment will clear up confusing sections of the bill by:

The Official Protection and Advocacy System for K

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Attachment # 8

- Deleting all references to mandates on “private employers” and fixes all other erroneous problems in the original draft, which were never part of our bill draft or intent of Employment First.
- Cleaning up the membership of the commission to get to the original intent, and clarifies that members of the commission be either persons with disabilities or others knowledgeable about disability issues.
- Clarifying that this policy change is for STATE government and STATE programs regarding services to support employment for persons with disabilities, not a policy to place a preference on hiring people with disabilities, not new mandates on private employers, etc.

Thank you for your time and attention to this bill.

HB 2669 - Clean-up amendment returning the bill to its original intent

Underlined text = additions

~~Strikethrough = deletions~~

AN ACT establishing the Kansas employment initiative act and creating the Kansas employment first oversight commission.
Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) This act shall be known as and cited as the Kansas employment first initiative act.

(b) It is hereby declared to be the policy of the state of Kansas that for state services to support the employment of people with disabilities, that the competitive and integrated employment of persons with disabilities in communities of Kansas shall be considered a the first option priority in the state and that public and private employers shall participate in the effort. All state agencies shall follow this policy and ensure that it is effectively implemented in their programs and services.

Sec. 2. (a) ~~All state agencies as defined by K.S.A. 2009 Supp. 75-6102, and amendments thereto, shall coordinate efforts to encourage the employment of disabled persons in Kansas communities and shall~~ and collaborate within and among such agencies to ensure that state programs, policies, procedures and funding support competitive and integrated employment of individuals with disabilities ~~in the public and private sector. All state agencies shall, whenever feasible, share data and information across systems in order to track progress toward the full implementation of this policy.~~

(b) State agencies are authorized to adopt rules and regulations to implement this act.

Sec. 3. (a) There is hereby established a Kansas (a) employment first oversight commission consisting of ~~24~~ 15 voting members and six non-voting ex officio members. The commission shall consist of the following members who shall serve for two-year terms:

- (1) Two members appointed by the speaker of the house of representatives, at least one of whom is a person with a disability or is knowledgeable of disability issues who is not a state employee;
- (2) two members appointed by the minority leader of the house of representatives, at least one of whom is a person with a disability or is knowledgeable of disability issues who is not a state employee;
- (3) two members appointed by the president of the senate, at least one of whom is a person with a disability or is knowledgeable of disability issues who is not a state employee;
- (4) two members appointed by the minority leader of the senate, at least one of whom is a person with a disability or is knowledgeable of disability issues who is not a state employee;
- (5) seven members appointed by the governor who are persons with a disability or persons knowledgeable with disability issues who are not state employees who represent persons with a disability. In addition, one member shall represent persons with sensory impairments, one member shall represent persons with mental illness, one member shall represent persons with physical disabilities and one member shall represent persons with developmental disabilities;

(6) the governor shall appoint six ex officio non-voting members as follows:

(A) One member from the department of administration;

(B) one member from the department of commerce;

(C) one member from the department of education;

(D) one member from the Kansas health policy authority; and

(E) two members from the department of social and rehabilitation services representing vocational rehabilitation under the division of integrated service delivery and representing the

HOUSE BILL NO. 2669 (cont.)

By Committee on Federal and State Affairs

medical waiver programs.

(b) The governor shall designate one member to convene and organize the first meeting of the commission at which the commission shall elect a chairperson and a vice-chairperson from among its voting members. The commission shall meet at least four times a year and additionally on call of the chairperson.

A quorum shall consist of eight members. All actions of the commission shall be taken by a majority of the voting members of the commission.

(c) Each member of the commission who is not a state employee and who is person with a disability or family member shall be eligible for paid mileage and other expenses as provided by K.S.A. 75-3212, and amendments thereto. Members shall otherwise serve without compensation.

(d) The commission shall establish measurable goals and objectives for the state of Kansas to ensure implementation of this act and the policy in section two, and to provide oversight of the act's implementation in the public and private sector. The commission shall track the measurable progress of public agencies and private employers in implementing this act.

(e) The commission shall issue an annual report on or before January 28¹ each year which shall be presented to the governor and members of the state legislature. The report shall detail progress toward the goals, objectives and progress toward full implementation of the policy set forth in section two of this act. All state agencies shall cooperate with the commission ~~On~~ on the creation and dissemination of the annual report. ~~The~~ report also shall identify barriers to achieving the outcomes along with the effective strategies and policies that can help realize the employment first initiative.

(f) The department of social and rehabilitation services shall be the lead agency responsible for compiling data and coordinating the preparation of the annual report at the direction of the commission.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

HOUSE BILL No. 2669

By Committee on Federal and State Affairs

2-8

Rocky Nichols
Balloon Amendment 1
March 9, 2010

House Commerce & Labor
Date: 3-9-10
Attachment # 9

9 AN ACT establishing the Kansas employment initiative act and creating
10 the Kansas employment first oversight commission.

11
12 *Be it enacted by the Legislature of the State of Kansas:*

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15 (b) It is hereby declared to be the policy of the state of Kansas that
16 the competitive and integrated employment of persons with disabilities
17 in communities of Kansas shall be a first priority in the state and that
18 public and private employers shall participate in the effort.

for state services to support the employment of people with disabilities, that

19 Sec. 2. (a) All state agencies as defined by K.S.A. 2000 Supp. 75-
20 6102, and amendments thereto, shall coordinate efforts to encourage the
21 employment of disabled persons in Kansas communities and shall collab-
22 orate within and among such agencies to ensure that state programs,
23 policies, procedures and funding support competitive and integrated em-
24 ployment of individuals with disabilities in the public and private sector.

considered the first option. All state agencies shall follow this policy and ensure that it is effectively implemented in their programs and services.

and

25 (b) State agencies are authorized to adopt rules and regulations to
26 implement this act.

All state agencies shall, whenever feasible, share data and information across systems in order to track progress toward the full implementation of this policy.

27 Sec. 3. (a) There is hereby established a Kansas employment first
28 oversight commission consisting of 21 members. The commission shall
29 consist of the following members who shall serve for two-year terms:

15 voting members and six non-voting ex officio

30 (1) Two members appointed by the speaker of the house of repre-
31 sentatives, one of whom is a person with a disability who is not a state
32 employee;

at least

33 (2) two members appointed by the minority leader of the house of
34 representatives, one of whom is a person with a disability who is not a
35 state employee;

or is knowledgeable of disability issues

at least

36 (3) two members appointed by the president of the senate, one of
37 whom is a person with a disability who is not a state employee;

or is knowledgeable of disability issues

38 (4) two members appointed by the minority leader of the senate, one
39 of whom is a person with a disability who is not a state employee;

at least

40 (5) seven members appointed by the governor who are persons with
41 a disability or persons who represent persons with a disability. In addition,
42 one member shall represent persons with sensory impairments, one
43 member shall represent persons with mental illness, one member shall

or is knowledgeable of disability issues

knowledgeable of disability issues who are not state employees

9-2

1 represent persons with physical disabilities and one member shall rep-
2 resent persons with developmental disabilities;

3 (6) the governor shall appoint six ex officio non-voting members as
4 follows:

- 5 (A) One member from the department of administration;
- 6 (B) one member from the department of commerce;
- 7 (C) one member from the department of education;
- 8 (D) one member from the Kansas health policy authority; and
- 9 (E) two members from the department of social and rehabilitation

10 services representing vocational rehabilitation under the division of in-
11 tegrated service delivery and representing the medicaid waiver programs.

12 (b) The governor shall designate one member to convene and organ-
13 ize the first meeting of the commission at which the commission shall
14 elect a chairperson and a vice-chairperson from among its voting mem-
15 bers. The commission shall meet at least four times a year and additionally
16 on call of the chairperson.

17 A quorum shall consist of eight members. All actions of the commission
18 shall be taken by a majority of the voting members of the commission.

19 (c) Each member of the commission who is not a state employee shall
20 be paid mileage and other expenses as provided by K.S.A. 75-3212, and
21 amendments thereto.

22 (d) The commission shall establish measurable goals for the state of
23 Kansas to ensure implementation of this act and to provide oversight of
24 the act's implementation in the public and private sector. The commission
25 shall track the measurable progress of public agencies and private em-
26 ployers in implementing this act.

27 (e) The commission shall issue an annual report on or before January
28 1 each year which shall be presented to the governor and members of
29 the state legislature. The report shall detail goals and progress toward the
30 employment first initiative. All state agencies shall cooperate with the
31 commission. On the creation and dissemination of the annual report, the
32 report also shall identify barriers to achieving the outcomes along with
33 the effective strategies and policies that can help realize the employment
34 first initiative.

35 (f) The department of social and rehabilitation services shall be the
36 lead agency responsible for compiling data and coordinating the prepa-
37 ration of the annual report at the direction of the commission.

38 Sec. 4. This act shall take effect and be in force from and after its
39 publication in the statute book.

and who is a person with a disability or family member

eligible for

Members shall otherwise serve without compensation.

and objectives

its policies as set out in section 2, and amendments thereto

progress toward the

, objectives and full implementation of the policy set forth in section 2, and amendments thereto

on

. The



March 9, 2010

To: Commerce and Labor Committee

From: Ron Pasmore, President/CEO

RE: HB 2669

Thank you Chairman Brunk and members of the committee for devoting the time to hear testimony on a subject that is important to individuals who strive to live regular lives in our community. My name is Ron Pasmore. I am the President and CEO of KETCH, an organization based in Wichita, KS which has specialized in providing employment services for persons with disabilities.

Individuals with disabilities in the labor force have a positive financial impact on our economy, generating income that is ultimately returned in the form of tax revenues and purchase of goods and services. Despite this knowledge, individuals with disabilities continue to have the highest unemployment rates of any minority group in our country. The ability to earn a living plays a pivotal role in defining our quality of life. One's career is an integral part of the overall life experience. A job often activates the drive within individuals we serve towards self-realization and the expression of new skills and talents. Over and over employers find that persons with disabilities add value to the workforce, are a worthwhile investment and that it is sound business to support and develop them as valuable resources.

In the mid 1980's Kansas participated in a national startup program to implement a then new model called supported employment. This model proposed to improve employment outcomes for persons with the most severe disabilities by reversing the traditional model of training first then placement in a job. Up till then, persons with the most severe disabilities rarely graduated from the training programs intended to teach vocational skills. By starting with the job, we overcame the "job readiness" obstruction. It made the training relevant and increased people's motivation significantly because they were employed from the beginning. Kansas experienced much success from its early work in supported employment. These programs grew to the point where they were available

HELPING PEOPLE
WITH DISABILITIES
LIVE AND WORK
IN THE COMMUNITY.

House Commerce & Labor

Date: 3-9-10

Attachment # 10

WWW.KETCH.ORG

statewide. Many of the persons served in the early projects are still working today.

Kansas did not develop policies regarding employment of persons with disabilities. The disability service community operates under the overarching goals set by Kansas for state funded services. Goals that come to my mind that have been communicated over years include, closure of state operated institutions, providing for choice, and supporting families who have a disabled child at home. Many special education programs across the state have developed employment programs that provide real work experience. However, when these students graduate, there is nothing in place to assure transition to employment. Parents are not uniformly encouraged to seek employment services for their children after graduation from schools. Many follow the advice of transition counselors to apply for Home and Community Based Services that have waiting lists of several years. Instead of sitting at home, losing the skills learned in public school, many could and should be seeking employment.

For persons already receiving services, case managers help people make lifestyle choices in absence of any required goals of how the individual might be capable of self-support. If given the choice, and the means to do so, many choose not to work. There are currently 6,164 individuals with developmental disabilities receiving some form of state funded day service. Only 359 of these persons are being served in a job working at a regular job 20 or more hours a week. That is less than 6%. Not all persons with developmental disabilities may be capable of competitive employment, but I can assure you that a much higher percent can work and probably would desire to do so given the proper encouragement and access to employment related services.

Several states have implemented policies that focus on integrated, community-based employment earning at or above the minimum wage as the first option for individuals with disabilities. Known nationally as "Employment First," this initiative generally consists of a clear set of guiding principles, policies and practices disseminated through state statute, regulation or operational procedures that identify employment in integrated, community-based businesses as the priority for state funding. A number of states have taken steps to clarify what employment first means. In Minnesota, for example, employment first means "*expecting, encouraging, providing, creating, and rewarding integrated employment in the workforce as the first and preferred option of youth and adults with disabilities.*"

HB 2669 establishes formal policy for Kansas that employment should be the desired outcome of state funded rehabilitation and habilitation services for persons with disabilities who are of working age. It then simply sets up a mechanism to review policies and practices across the various state agencies to review existing policies and revise them as needed, to promote the outcome of

competitive integrated employment as the preferred outcome for persons with disabilities.

HB 2669 is not about money, but about raising expectations. Of course, we need adequate public resources to obtain high quality education and integrated employment outcomes. However, without the higher expectations, individuals with disabilities and their families often settle for programs that do not encourage them to participate fully in the mainstream of community life. This is confirmed by the fact that a majority of working age adults with significant disabilities are supported today in programs that offer segregation and long-term dependency regardless of the cost. If we envision persons with disabilities being able to fully participate in our communities, employment needs to be an important part of that equation. It is about the person stepping into the role of a community citizen, not just a client of a system.

Good morning Chairman Brunk and committee,

My name is Askia Adams, I am from Kansas City. Thank you for having me today. I have a unique prospect when on The issue of employment for individuals with disabilities. This viewpoint comes from both being a person with a disability who is looking for work again, and from someone who for The last five years tried to implement a program to assist Kansans with disabilities to go to work.

Let me start by telling you a little bit about myself, and why the issue of employment is so important to me. I am thirty-two years old and like many people my age for The past five years I had a great job. Over The past few years I have worked for The state of Kansas assisting Kansans with disabilities to purchase equipment that would allow Them to go to or return to work. Unfortunately, even though we had funds so people could work The numbers of individuals who utilized The program was minimal because The underlying problem was not finding funding for equipment once They found a job, but finding a job in The first place. Personally, I truly understand this struggle. Being a person with a disability there are some challenges I face and have observed in finding employment that The non-disabled person does not.

Going to work is not simple when one has to juggle several extra pieces of he employment puzzle. These extra pieces include rehab services, social security, benefits counselors, service providers etc. Let me share my story to illustrate the challenges faced by people with disabilities desiring to work. I was twenty-eight years old; I graduated from college with a bachelor's degree in elementary education. I worked with my local rehab services office to find a job. They have connected me with a job placement specialist to assist me in my search. The specialist tried to assist in my quest to find a job. I still faced challenges even though I worked with rehab services. My placement specialist may find him a job, but it may not fit my skills or abilities. It is not a question of my coach's commitment. The issue is sometimes coaches do not take the Theme to get to know the individual. My coach knew that I was looking for a job, but does not listen close enough to gain a clear picture of my skills.

I searched for work on my own in addition to working with my job coach. I finds leads that fit my skills, abilities, and interests much better than what my job coach finds. I found a few jobs leads, but nothing really fits him. Each week when I met with my job coach she asked me what job leads I has found. The coach asked I what I was doing to find a job. I felt like I was doing everything I could, but not getting any help from mu job coach. In some ways I did the coach's job. Is finds leads and eventually my own job.

Finding a job is just the first challenge Is faces when it comes to finding employment. The nature of my disability requires me to need personal care attendants. I visited with my independent living counselor to determine how going to work would affect my waiver and attendant care services. My counselor told me I would lose my services because I made too much money. I was lost and does not know what to do. I wants to accept The job offer, yet I cannot afford to have my personal care attendants cut. What can I do? Fortunately, Is knows whom to talk with to find guidance in navigate my way to protect my services. I accepted the job.

Please allow me to take a few minutes to share what I have observed in my capacity as Telework Coordinator for The state. In May of 2004 I was hired by The state assistive technology cooperative to set up a loan program intended to assist Kansans with

House Commerce & Labor

Date: 3-9-10

Attachment # 11



Promoting empowerment and Independence.

I would like to start off by thanking the Representatives of the committee for giving me the chance to come give my testimony.

Please allow me to introduce myself my name is Chris Testorff I am the President of the Self Advocate Coalition of Kansas or better known as SACK. I also would like for you know that I fully support House Bill 2669 that establishes Employment First as policy in Kansas. I would like to strongly emphasize how important it is for a disabled person to get an employment opportunity and to have a chance to obtain stable employment. This I have had a hard time in doing while living in Lawrence, KS finding a job is not easy for a disabled person to do. I personally have been unemployed for a year and a half. By supporting house bill 2669 it will give people with disabilities a fair chance at getting employment it will also be highly beneficial in other area's.

Thank you very much for giving me the chance to come and speak to you today and please support house bill 2669.

Chris Testorff,

Self Advocate Coalition of Kansas President

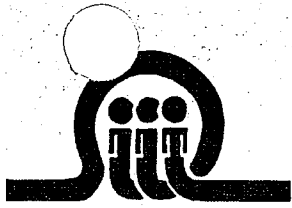
House Commerce & Labor

Date: 3-9-10

Attachment # 12

2518 Ridge Court Rm 236
Lawrence, KS 66046

1-888-354-7225
785-749-5588
Fax: 785-843-3728



Families Together, Inc.

Parent Training & Information Centers for Kansas

Home Page:
<http://www.families-togetherinc.org>

Administrative Center
313 N. Seneca
Wichita, Kansas 67203
Voice/TDD (316) 945-7747
1-888-815-6364
Fax (316) 263-0031

Wichita Parent Center
3033 W. 2nd, Suite 106
Wichita, KS 67203
Voice/TDD (316) 945-7747
1-888-815-6364
Fax (316) 945-7795
wichita@families-togetherinc.org

Topeka Parent Center
501 Jackson, Suite 400
Topeka, KS 66603
Voice/TDD (785) 233-4777
1-800-264-6343
Fax (785) 233-4787
topeka@families-togetherinc.org

Garden City Parent Center
1518 Taylor Plaza
Garden City, KS 67846
Voice/TDD (620) 276-6364
1-888-820-6364
Español (620) 276-2380
Fax (620) 276-3488
gardencity@families-togetherinc.org

Kansas City Parent Center
1333 Meadowlark Ln., Suite 103
Kansas City, KS 66102
Voice/TDD (913) 287-1970
1-877-499-5369
Fax (913) 287-1972
kansascity@families-togetherinc.org

Statewide Spanish Parent Line
1-800-499-9443

Commerce and Labor Committee

March 9, 2010

Testimony in regard to HB 2669

Representative Steven Brunk and members of the committee, thank you for the opportunity to provide written testimony today.

My name is Angie Bauer and I am a Parent Information Specialist at Families Together, Inc. Families Together is the Parent Training and Information Center for Kansas. We serve families that include a child, age birth to 26, who has a disability. I am also the parent of six children with varying degrees of abilities. My dreams for them are no different than the dreams of any other parent. I want them to be able to have meaningful work in their community and have financial independence. I want them to have a good work ethic and be judged by their abilities and not their disability. I am raising them to be independent and have dreams and goals and those goals include meaningful employment.

I am here today not only as a parent of multiple children with disabilities but also as a professional to encourage you to support HB 2669. As a community, it is important that we all support the need and the right for individuals with disabilities to join the work force. Persons with disabilities want to be productive members of our society and desire jobs to sustain them economically. It is imperative that we support the efforts of these individuals to procure employment. I implore you to stand up for the needs and the rights of all individuals to have fair and equal access to employment opportunities in the state of Kansas and support a bill that will help level the playing field of individuals of all abilities.

Thank you,

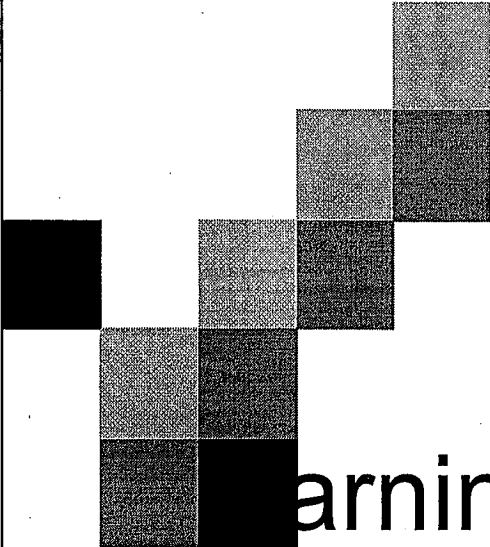
Angie Bauer

House Commerce & Labor

Date: 3-9-10

Attachment # 13

Assisting Parents and Their Sons and Daughters with Disabilities



Working Healthy: Medicaid participants earning more & costing less

Jean P. Hall, Ph. D.
University of Kansas Working Healthy Evaluation Team

Medicaid Buy-Ins

- Authorized by the Balanced Budget Act of 1997 and the Ticket to Work-Work Incentives Improvement Act of 1999
- Allow people with disabilities to work, accumulate assets, and get or maintain Medicaid coverage
- In 2007, nearly 106,000 people with disabilities participated in Medicaid Buy-In programs in 34 states; 42 now operate

The Kansas Medicaid Buy-In, *Working Healthy*

- Current enrollment of 1100+
- Eligibility:
 - Ages 16-64
 - Income up to 300% of federal poverty level
 - Payment of employment taxes
 - Assets up to \$15,000
 - Meet Social Security criteria for disability
 - Personal assistance services available through WORK



Snapshot of Participants, 2009

- Average age is 49 years
- 47% male and 53% female
- 89% White; 6% Black; 1% Native American; 4% other
- 4% Hispanic
- 59% single; 30% divorced or widowed; 11% married
- 10% have children under age 18
- 52% have at least some college education
- Average hourly wage is \$8.68 and average hours worked per week is 19

Data Sources: Kansas Medicaid Management Information System (MMIS) (n=1116) and self-reported from 2009 Working Healthy Satisfaction Survey (n=417)

Primary Self-Reported Disabilities

• Mental illness	39.3%
• Physical disability	21.2%
• Chronic illness	17.6%
• MR/DD	11.7%
• Sensory	3.8%
• Other	6.4%

Data Source: 2009 Working Healthy Satisfaction Survey (n=392)

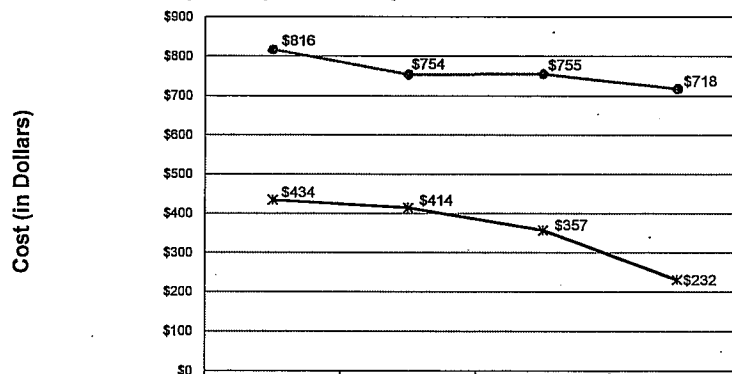
How are enrollees faring?

- A majority of enrollees report:
 - Improved mental health since enrolling in the Buy-In (51.7%)
 - Improved financial status since enrolling in the Buy-In (58.0%)
 - An increased level of independence since enrolling in the Buy-In (51.5%)
- Overall earnings are increasing, overall medical expenditures are decreasing

Data Source: 2009 Working Healthy Satisfaction Survey (n=410)

Medicaid Expenditure Trends

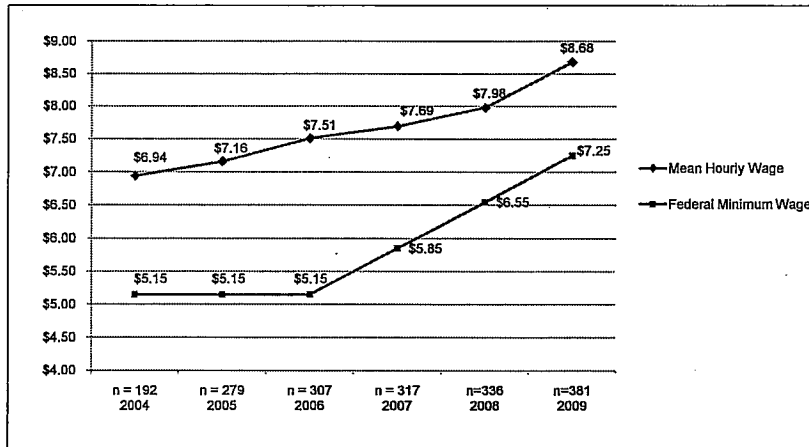
Outpatient per Member per Month Costs



	2004	2005	2006	2007
● Non-enrollee Comparison Group*	\$816	\$754	\$755	\$718
* All Buy-In Enrollees**	\$434	\$414	\$357	\$232

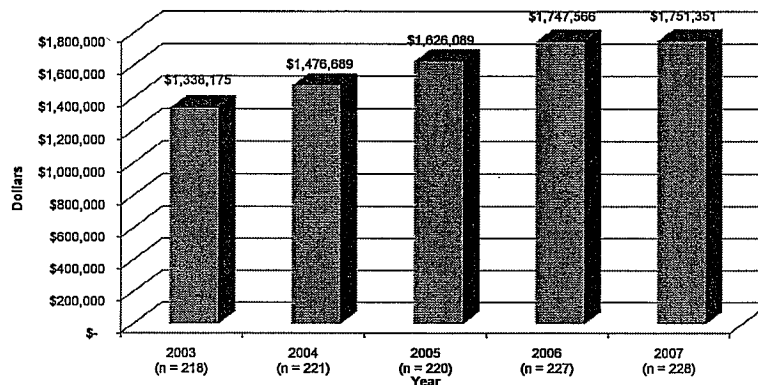
Data Source: Kansas Medicaid Management Information System (IMMIS)
 Notes: * n's include persons with at least one eligibility month in a given year: 2004, n= 904; 2005, n=999; 2006, n= 1075; 2007, n=1152.
 ** n's include persons enrolled in the Buy-In at least one month in a given year: 2004, n=1024; 2005, n=1230; 2006, n=1275; 2007, n=1319. Expenditures are adjusted to 2007 prices using the Consumer Price Index for outpatient medical services.

Enrollees' Self-Reported Hourly Wages, 2004-2009



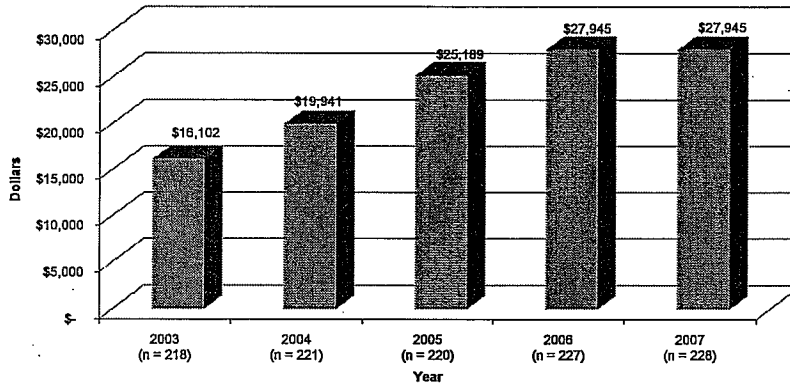
Data Source: Annual participant satisfaction surveys

Federal Adjusted Gross Income - Continuously Enrolled Participants



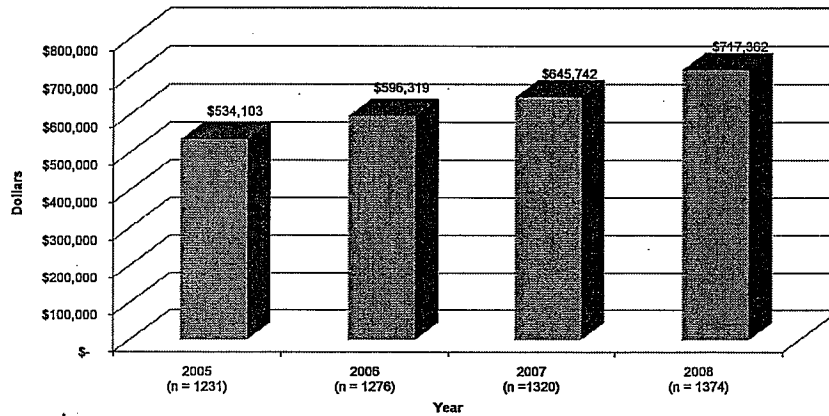
Data Source: Kansas Department of Revenue Income Tax Data

Aggregate state taxes paid – Continuously enrolled participants



Data Source: Kansas Department of Revenue Income Tax Data

Premiums Paid – All Enrollees



Data Source: Kansas Automated Eligibility Child Support Enforcement System (KAECSES)

From Participants:

- I don't feel useless, and I take pride in being a tax payer again.
- Being able to work gives me a sense of accomplishment and self worth. I strive not to be a bigger burden on my family than already am.
- My health has improved. My outlook on life has improved.
- I am able to take meds as prescribed rather than trying to make them last longer.

From a 2009 Survey:

I became quadriplegic in 1985 after being involved in a car accident. Working Healthy is probably one of the most important programs that have been implemented to help people with disabilities get back to work and become productive citizens. In 2007 I graduated with my masters degree and was wondering how I was going to ever pay for my student loan. If it was not for Working Healthy I would not be employed and able to pay for my student loans, house payment, and other things I enjoy. I am now making a house payment for something that I will eventually own. My house payment is around \$540 a month and I have three bedrooms. Before I got my house I was living in a section 8 housing one room apartment and the government was subsidizing \$740 a month for this. I was getting food stamps and other government subsidies before Working Healthy. I now have a full time job, a home, and I am able to be a productive citizen, and not rely on the government for all those expensive subsidies. There are a few people that need a pat on the back for implementing a program like Working Healthy. I hope this message will get to those who deserve that pat on the back. Thanks to all of you.

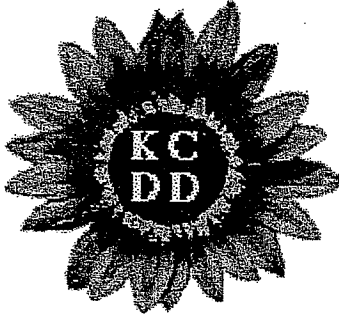
Additional information

- The *Working Healthy* website has information about the program, including Policy Briefs and Data Chartbook:

www.workinghealthy.org

- Working Healthy toll-free hotline (V/TTY):
1-800-449-1439
- Jean Hall, Ph.D., Principal Investigator
jhall@ku.edu

14-7



Kansas Council on Developmental Disabilities

MARK PARKINSON, Governor
KRISTIN FAIRBANK, Chairperson
JANE RHYS, Ph. D., Executive Director
jrhys@kcdd.org

Docking State Off. Bldg., Rm 141,
915 SW Harrison Topeka, KS 66612
785/296-2608, FAX 785/296-2861
<http://kcdd.org>

"To ensure the opportunity to make choices regarding participation in society and quality of life for individuals with developmental disabilities"

HOUSE COMMITTEE ON COMMERCE AND LABOR

March 9, 2010

Regarding *HB 2669: Kansas Employment First Initiative*

Mr. Chairman, Members of the Committee, I work for the Kansas Council on Developmental Disabilities. We are federally mandated and federally funded under the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and receive no state funds. Members are appointed by the Governor and include primary consumers, immediate family members, and representatives of the major agencies who provide services for individuals with developmental disabilities. Our mission is to advocate for individuals with developmental disabilities to receive adequate supports to make choices about where they live, work and learn.

The Council has been involved with the Kansas Employment First SRS Taskforce from its inception, and we are in support of HB 2669 with the proposed balloon amendment. Kansas must change our thinking from one of people with disabilities cannot work to "people with disabilities can and should be employed. We continually hear that Kansas needs a good workforce to attract new business. We have a good workforce in people with disabilities, we just need to support them in finding jobs. Kansas ranks **46th in the nation for Supporting Meaningful Work** for persons with developmental disabilities. Only 10% of the people with developmental disabilities in our state have a competitive job in the community. We can and must do better. We cannot afford not to do better.

- Kansans who are competitively employed in the community become taxpayers. Kansas data shows that as people increase their income, they pay taxes, buy goods and services, and support their community.

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- Employment improves health. Data also shows that people's wages increase over time while their medical costs continue to decrease.
- It's important for everyone to contribute to their self-sufficiency up to the level of their capabilities. A lifetime of financial dependency on disability benefit programs is costly.
- According to a Gallup Poll sponsored by America's Strength Foundation, 92% of those surveyed reported they favored companies who employed people with disabilities. 87% went as far to say that they preferred to give their business to companies who employed people with disabilities.
- Finally, employment is a human rights issue. All Kansans of working age regardless of the level of their disability should enjoy their lives. Employment is fundamental to adulthood, quality of life, individual productivity, self-worth, and earns the means to exercise freedoms and choices available to all citizens.

We also believe that it is vital to the success of the Kansas Employment First Initiative that state agencies coordinate their efforts to identify barriers to employment, establish goals to promote employment as a service priority for Kansans with disabilities and report their progress to the oversight commission as defined in this bill. We need the Commission, composed of people with different disabilities, to set goals for Kansas and to monitor our success in achieving those goals.

We thank you for your leadership in introducing this bill and for your continued support in this effort. As always we appreciate your time and would be happy to answer any questions.

Jane Rhys, Ph. D., Executive Director
Kansas Council on Developmental
Disabilities
Docking State Office Building, Room 141
915 SW Harrison
Topeka, KS 66612-1570
785-296-2608
jrhys@kcdd.org

15-2



House Committee on Commerce & Labor

Testimony on House Bill 2669

March 9, 2010

Presented by:
Rick Cagan, Executive Director

NAMI Kansas is a statewide grassroots membership organization dedicated to improving the lives of individuals with mental illness. Our members are individuals who are living with mental illnesses and the family members who provide care and support. NAMI Kansas provides peer support through a statewide network of local affiliates. We sponsor educational programs targeted at consumers of mental health services, their family members, and the general public. We advocate for individuals who are living with mental illness to ensure their access to treatment and supportive services.

NAMI Kansas has signed on to the Employment First initiative and we eagerly support the intent of HB 2669 to maximize competitive and integrated employment for individuals with disabilities.

One in four adults experiences a mental health disorder in a given year. One in seventeen lives with a serious mental illness, such as schizophrenia, major depression or bipolar disorder.¹ Close to 95,000 adults in Kansas are affected by a serious mental illness.²

The unemployment rate of persons with severe mental illnesses remains extraordinarily high – up to 80-90 percent, according to some estimates. Persons with mental illnesses are one of the largest populations receiving federal disability payments. They are more likely to begin receiving disability payments at a younger age and to maintain their disabled status longer than persons with other types of disabilities. Notwithstanding changes to federal disability income and employment programs in the last ten years, significant barriers to employment remain.

In the U.S., the annual indirect cost of mental illnesses was estimated to be \$79 billion in 1999, a figure which has certainly increased in the last 10 years. 80% of that amount reflects the loss of productivity as a result of illnesses.³

Early treatment of mental illnesses reduces the extent of disability and recurrence of symptoms. 66 percent of Americans believe that treatment and support can help people with mental illnesses lead normal lives. Recovery rates with treatment and medication have been noted at 80 percent for bipolar disorder, 65-80 percent for major depression, and 60 percent for schizophrenia. Individuals living in recovery are contributing members of their community and can work and pay taxes.

One key component of a recovery-oriented treatment system is an emphasis on employment. Most individuals with severe mental illness want to work and believe that work is an important goal in their recovery. When work is identified as a recovery goal, this is usually understood to mean competitive employment, defined as community jobs for which any person may apply, which involves work in an integrated setting with regular contact with non-disabled employees, and that pays at least the minimum wage. Unfortunately, assistance with employment is a major unmet need in a number of mental health programs. In some areas of the country, fewer than 15 percent of mental health consumers are competitively employed at any time.

Fortunately, 16 of the 27 Community Mental Health Centers in Kansas have a program implementing a federally-recognized evidence based practice known as supported employment. Supported employment is a well-defined approach to helping people with disabilities participate in the competitive labor market, helping them find meaningful jobs, and providing ongoing support from a team of professionals. Research indicates that between 40 and 60 percent of persons enrolled in supported employment programs obtain competitive employment compared to only a 20 percent outcome for those not enrolled in such programs. Duration of employment and wages also favor supported employment. Persons employed for a meaningful length of time demonstrate significant improvements in self-esteem and symptom management compared to others who do not have this same experience.

HB 2669 establishes an important foundational policy for the state of Kansas and for people living with disabilities. For individuals living with mental illnesses, it represents a constructive element of recovery. For employers, this policy represents an opportunity to tap into a dedicated and overlooked segment of the labor market. The state of Kansas benefits from having more people gainfully employed and contributing to their communities and to the tax base.

Thank you for the opportunity to provide these comments.

¹ National Institute of Mental Health. NIMH: The numbers count—Mental disorders in America. National Institute of Health. Available at <http://www.nimh.nih.gov/publicat/numbers.cfm>.

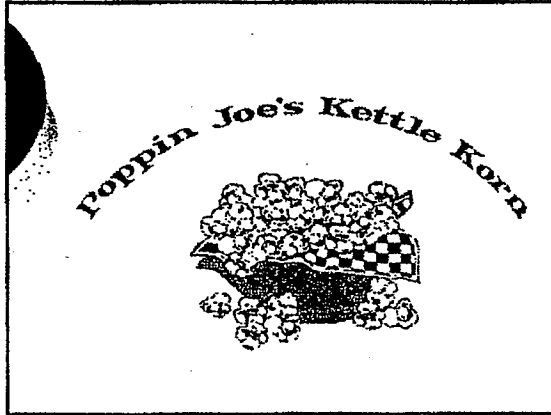
² U.S. Department of Health and Human Services. *Mental Health: A Report of the Surgeon General*. Rockville, MD: U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Mental Health Services, 1999, pp. 408-409, 411.

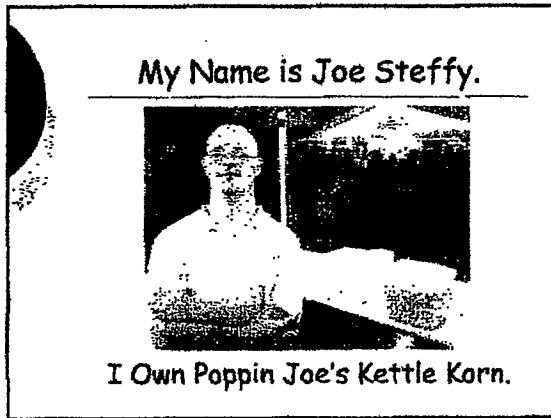
³ Holzer, III, C.E. and Nguyen, H.T., psy.utmb.edu.

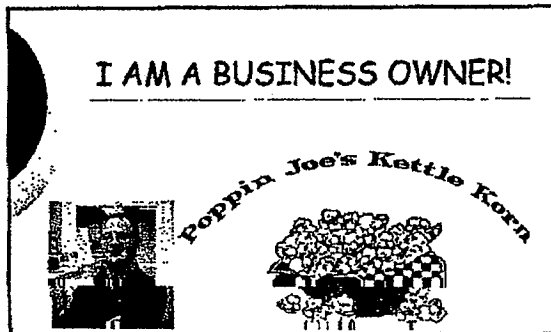
⁴ U.S. Department of Health and Human Services. *Mental Health: A Report of the Surgeon General*. Rockville, MD: U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Mental Health Services, 1999, pp. 408-409, 411.

HOUSE COMMERCE AND
LABOR COMMITTEE
by Joe Steffy

3/8/2010







House Commerce & Labor

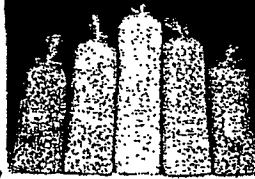
Date: 3-9-10

Attachment # 17

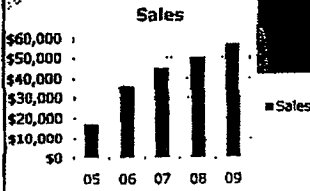
3/8/2010

Products

- Cinnamon Kettle Korn
- Old Fashioned Kettle Korn
- White Cheddar popcorn
- Sweet n' Cheesy Kettle Korn
- Golden Karmal Korn

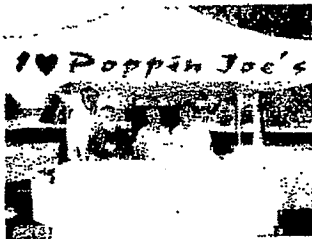


Gross Sales \$\$\$\$\$\$




Today - A Success!

We are a success because of our teamwork!




3/8/2010

Working in the Community




Community - Belonging

- Member in my community
- A place where I belong
- I am a contributing citizen
- I do fund raisers for local churches, schools, businesses, community events, & many non-profit organizations.
- They value me -
- I Pay my taxes!!



I Love Poppin Joe's!

Poppin Joe's Kettle Korn





House Committee on Commerce and Labor

Testimony on Employment for those with Disabilities and Employment First Bill (HB2669)

Dino DeMarco

March 9, 2010

Chairman Brunk and Members of the Committee:

My name is Dino DeMarco, I am the founder and CEO of Extreme Recycling, Inc. , an electronics recycling company with locations in California, and here in Topeka, Kansas. Thank you for the opportunity to testify before this committee regarding employment for individuals with disabilities.

Extreme Recycling currently employs an individual with a disability. Rod has been with us since the start of our company 5 years ago, and is one of our most loyal and passionate employees. He currently works disassembling obsolete electronic and sorting the various components for recycle. This is only one of the jobs that Rod has done over the past 5 years. He has worked in a variety of areas within our facility and learned a great deal about the business. Far more than many people in his life ever thought he was capable of learning. Rod has excellent productions rates – he is currently the second highest producer in our facility. He is proud of his job and has excellent attendance. He treats co-workers and customers with respect and greets us each day with a smile.

Having Rod on our team has been a great experience. It's given us a different outlook on people with disabilities. It's reminded us that people have different learning styles, and that supervising employees takes patience – and this is true of ALL employees! We believe that working with our company has been a benefit to Rod as well. Like any employee, he enjoys earning a paycheck. He is also learning to deal with change positively – something that is very difficult for him. Rod participates in our 'Recycle From Home' program, in which employees are challenged to bring in recyclables items. He also enjoys working with our public drop off program, in which community members bring in items to be recycled. This gives Rod the opportunity to interact with customers, something he really enjoys. It also gives the community the chance to think differently about disabilities in the workplace, and helps promote our company as an employer of all abilities. It's a win-win for everyone involved!

Rod is treated like all other employees. He works when they work, breaks when they break, and goes to lunch with his co-workers each day. When there are staff functions around the holidays, Rod is always in attendance. I would say over 80% of the staff do not even see Rod's disability anymore. We work in a fully integrated workplace, where respect is shown for all people.

Each spring we contract with TARC Industries/Employment Services, to bring in a small crew of temporary employees. This crew works sorting software and small recyclable and runs for a full quarter. Although we are not in a position to permanently hire these individuals, we bring them in because they are skilled, motivated, and happy to be working. As a tax payer, it concerns me that there are people who are mentally and physically able to work, and simply do not want to, especially when there are people with disabilities who simply want the opportunity to work. In my opinion, those who are able to work should be working. It would help relieve tax burdens, allow adults with disabilities the opportunity to feel like part of the working community, and to make their own money, which would likely be spent in our local community.

One last thought that I would like to share about Rod, the gentleman working for our company, is his ability to be innovative. He has become an expert in creative problem solving when it comes to getting the job done. He will watch someone demonstrate a task, and then figure out how to do it faster, and more efficiently. He's perfected out-of-the-box thinking. I hope today brings opportunity for all of us to think big and "outside the box" when it comes to employing individuals with disabilities.

Hello, my name is Robyn Herzog and I receive services from Cottonwood and work at Brandon Woods nursing home in Lawrence.

I live in my own apartment and have a good job in the community. I have a computer and enjoy e-mailing friends and being on facebook. I recently got a cat named Charley and I am really enjoying getting to know him and having him around. I love my life and where I am right now. I am happy which makes me want to help others participate in my community. But, I did not get here on my own. I have a whole team of staff and family that help me. You see I have a disability and need support so I do not get confused or taken advantage of. What I really like about my team is that they help me and teach me so I can learn to do things for myself. I want to be independent not DE- PENDANT.

One of the most important things in my life is my job. There are many reasons it is important:

- without it I would not be able to afford my own apartment and live the way I want to.
- I want to contribute something good to the world, the economy, and my community, just like everybody else, and because of my job I get to do that, and it makes me feel good. I would be very depressed if I could not work.
- I am a very capable person and I can do anything and deserve to be able to just like people without disabilities.
- People tell me that I am better at this job than most anybody. It is too hard for some to work with elderly people, but I am good at it. I know the residents and treat them with respect. They really like me there and would miss me if I was gone.

It is really a win-win-win situation for everyone: me, Brandon Woods residents, our community in Lawrence, and the state of Kansas.

But, like I said before, I did not get here on my own. I have a job coach, Mary, who helped me look for jobs, get applications, understand what the job was, apply and interview. I could not have done it without her- everyone knows how hard it is to look for a job, and because of my disability it is even harder for me...but that doesn't mean I don't deserve to work. Once I was hired, my job coach helped my boss train me and make sure I did quality work. Once I could do the actual job myself I also learned how to be a good employee. I know how to ask for time off and schedule my own rides, and stuff like that.

Most people know that having a job gives a person pride and self worth and how hard it is on a person when they are jobless. It is the same for people with disabilities and we deserve employment just like everyone else and when there is support for people to get jobs everyone wins. Kansas will win if they make sure that everyone has the support they need to get a job and be a full citizen.

This IS SERIOUS! This is my LIFE we are talking about and IT IS IMPORTANT!

Thank you.

Robyn Herzog

House Commerce & Labor

Date: 3-9-10

Attachment # 19

Testimony on House Bill 2669

The Kansas Employment First Initiative Act

Before the House Committee on Commerce and Labor

March 9, 2010

Sally F. Fronsman-Cecil

As a mental health consumer and the parent of a mental health consumer in the state of Kansas I urge you to take action in support of House Bill 2669, the Kansas Employment First Initiative Act. HB 2669 is a vehicle for development of state policy and practices in line with making competitive and integrated employment of persons with disabilities in Kansas a high priority. To this end HB2669 would establish a Kansas employment oversight commission.

Our society does not place a high priority on employment of people with disabilities. As a group we suffer the highest unemployment rate of any minority group in the United States. Nearly two in three working-age people with disabilities in the U.S. are unemployed. Census 2000 reported more than 33 million people with disabilities aged 16-64 with only about 55 per cent employed. By January of this year the national unemployment rate for people with disabilities, reflecting only people who had been employed or who are registered as looking for work, was 15.2 per cent compared with 10.4 percent for persons with no disability.

Census 2000 found that only about 60 per cent of men with disabilities were employed as compared to about 80 per cent of men without any disability. About 51 per cent of women with disabilities were employed compared to about 67 per cent of women with no disability. In Kansas, Census 2000 found 315,956 people with disabilities aged 16-64 with about 55 percent employed. The percent of people with disabilities employed was 62 per cent in comparison to about 82 per cent of people with no disability, a discrepancy of about 20 per cent.

House Commerce & Labor

Date: 3-9-10

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The employment situation for people with mental illness is even more dismal with a 90% unemployment rate among adults with serious mental illness. This is the worst level of employment of any group of people with disabilities. 70 per cent of us with mental illness want to work and could do so with even modest assistance. However, as well as any difficulties presented by our illnesses we face stigma and prejudice on the basis of public and employer perceptions of our disability.

Meaningful work is essential to my recovery and advances in mental health treatment make it possible for those of us with persistent mental illness to contribute to the workplace and society. I have Bi-polar disorder and currently live on Social Security disability. I am fortunate to work eleven hours per week. My daughter who has Bi-Polar Disorder is currently in graduate school in French Literature and plans to teach at the university level. This is a strategy that may actually get her off of Social Security Disability someday. However, with a graduate degree and many years of work experience I am woefully under-employed in my eleven-hour-per week position providing homemaking services for an elderly person. I find that even limited employment allows me to contribute to my community and society in a constructive and productive way. But I could contribute far more and, not incidentally, pay more taxes, if I were employed in a full-time position in which society could benefit from my skills, experience and work ethic.

Social planning and programs to support the employment of people with any type of disability are a low priority despite extensive governmental, economic, social and personal costs of continuing to trap people with disabilities on Social Security disability benefits. House Bill 2669 will address this issue in a proactive manner.



KANSAS

DEPARTMENT OF SOCIAL
AND REHABILITATION SERVICES

House Commerce and Labor Committee

March 9, 2010

Workforce Supports and Opportunities for Persons with Disabilities

Integrated Service Delivery

Michael Donnelly

Director of Kansas Rehabilitation Services

For Additional Information Contact:
Katy Belot, Director of Public Policy
Docking State Office Building, 6th Floor North
(785) 296-3271

House Commerce & Labor
Date: 3-9-10
Attachment # 21



Workforce Supports and Opportunities for the Disabled

House Commerce and Labor Committee

March 9, 2010

Thank you for the opportunity to share information with the Committee on SRS' efforts to ensure that individuals with disabilities have opportunities to pursue, obtain and maintain employment. SRS has provided employment supports and related services to individuals with disabilities for many years through multiple programs. SRS currently has four programs that focus on employment services, three of which serve only persons with disabilities.

Economic and Employment Supports (EES) operates the Temporary Assistance to Needy Families (TANF) program that includes employment-related services. Of the 10,637 persons served last year, 23% (2,446) report earnings as a result of work. Disability is one of the barriers to employment documented for the TANF population. Job clubs, placement services and other support services are provided to assist eligible individuals to gain employment and reduce their reliance on cash, food and medical assistance. Wages achieved by customers of EES are competitive to the job or position the person achieves.

Community Supports and Services (CSS) manages the Home and Community Based Services programs that include services to support persons with disabilities to live and work in the community. The Developmental Disabilities (DD) Waiver most directly affects work opportunities for individuals with developmental disabilities. DD Providers often provide a work-related day service or supports that empower an individual in a job in their community. Wages vary as providers sometimes utilize their sub-minimum wage certificates to set wages as allowed under Section 14(c) of the Fair Labor Standards Act. Others are competitive, integrated jobs in the community that are paid at minimum wage or higher depending on the position. DD providers reported 1,034 persons served were working in a competitive employment at the end of January 2010. Another 3,466 individuals were working in an environment designed for persons with developmental disabilities.

Mental Health Services also has an emphasis on assisting persons with severe and persistent mental illnesses to achieve successful employment outcomes. Research demonstrates that employment is a significant contributor to the recovery of persons with mental illness. This is recognized in Kansas mental health reform statute which defines community based mental health services to include access to securing employment services. In addition, SRS' contract with community mental health centers (CMHCs) includes competitive employment of persons with a severe and persistent mental illness (SPMI) as one of the contract's outcomes. SRS pays enhanced Medicaid rates for CMHCs who demonstrate fidelity to the evidence-based practice of supported employment. Twenty-three percent of persons with an SPMI were reported to have been

The logo for the Kansas Department of Social and Rehabilitation Services features the word "KANSAS" in a bold, black, sans-serif font. Above the letters "A", "N", and "S" is a stylized black arc that curves from the left, passes over the "N", and ends with a five-pointed star pointing to the right. Below "KANSAS" are the words "DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES" in a smaller, black, sans-serif font, arranged in two lines.

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AND REHABILITATION SERVICES

competitively employed at any point in the last year. SRS, in collaboration with the CMHCs, is working to improve this low employment rate.

Vocational Rehabilitation (VR) is the primary SRS program designed to assist persons with disabilities to obtain, maintain or regain employment. VR serves persons with disabilities whose disability results in a substantial impediment to employment and who need VR services to get or keep a competitive, integrated job. VR services are not limited to the type of disability a person has, nor are services limited by the type of job they choose to pursue. VR services can include services to prepare an individual to obtain a job, to assist the person in finding the job and to help them be successful once they get the job. Services can include post-secondary education or training, assistive technology, medical services, transportation, job finding services, on-the-job supports and many other types of services. In Federal Fiscal Year 2009 VR assisted 11,856 individuals to pursue employment under an individualized plan for employment. As a result of services received, 1,426 obtained and maintained their job. Wages earned as a result of VR services vary widely but averaged \$9.67 statewide.

Last fall SRS began developing two key initiatives that will be funded through American Recovery and Reinvestment Act stimulus funds. First, we plan to establish several demonstration projects focused on assisting individuals with developmental disabilities to engage in competitive integrated employment of at least 20 hours per week. This \$1.5 million dollar project will focus on individuals currently working in a sheltered setting or those on the waiting list for DD services. A special emphasis will be placed on youth transitioning from school to adulthood.

The second Recovery Act initiative is our effort to build capacity among community service providers to address the employment and independent living needs of Kansans who are blind or visually impaired. SRS has committed \$500,000 in Recovery Act funding to partner with community organizations and service providers to hire credentialed staff, improve outreach to persons who are blind or visually impaired, and to provide the variety of direct services necessary to assist individuals to be successful in their employment and independent living goals.

Stakeholder and consumer input led SRS to form and facilitate an Employment First Workgroup in July 2008. Membership includes DD providers, consumer representatives, the Kansas Health Policy Authority, SRS, the Department of Commerce and the Department of Education. The group has developed core Employment First principles and a mission statement: *The State of Kansas will establish integrated, competitive employment at a commensurate wage as the first priority for working age people with developmental disabilities. This initiative will be called Employment First.* The workgroup makes recommendations for SRS and other state agencies to consider as we work to ensure state policies and programs emphasize employment.

Governor Parkinson has asked several Cabinet Secretaries, the Commissioner of Education and others to participate in a stakeholder forum to better understand the barriers to employment that Kansans face (see

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attachment). He also asked that they determine next steps and actions to improve access to employment opportunities for citizens with disabilities. The forum will take place on April 16, 2010 at the Capitol Plaza hotel following a statewide Employment Summit organized as part of the state's Employment First initiative.

SRS is committed to improving opportunities for gainful employment of individuals with disabilities. We continue to work together with our many partners to ensure not only the opportunity to work, but that success is achieved.

To: Representative Steve Brunk, Chair
House Commerce and Labor Committee

From: Wendy Parent, Ph.D.
Kansas University Center on Developmental Disabilities

Date: March 9, 2010

RE: House Bill 2669, Kansas Employment First bill

I come to you today as an expert and national leader with more than 25 years of experience in the area of integrated competitive employment for individuals with significant disabilities. Why talk about work?

- Employers express positive attitudes toward workers with disabilities and are willing to hire employees with extensive support needs when they receive competent services from disability employment programs (Katz & Luecking, 2009).
- Individuals with disabilities tell us they want to work and have made employment their priority (Alliance for Full Participation, 2009; SACK, 2009).
- Supported and customized employment strategies are effective at meeting the hiring needs of the employer and the support needs of the employee resulting in a cost-efficient alternative to sheltered work and day services (Cimera, in press; Wehman, Inge, Revell, & Brooke, 2007).

What are the benefits? Work is a valued activity in our society. It provides a meaningful activity to one's day and opens doors for developing relationships with others. Work provides an income to support living and participating in one's community. Individuals who work become tax paying citizens and contributors to the Kansas economy. Research on 231,204 individuals working competitively with supported employment services between 2002 and 2007 indicate a net benefit to taxpayers of \$3,016.08 per person; a benefit-cost ratio of \$1.46. Variations across the United States and its territories range from \$3.57 to \$.37 with Kansas reporting a benefit-cost ratio of \$1.20. **In other words, for every dollar spent to support someone in supported competitive employment yields a return on investment of \$1.20.**

What are the realities? In Kansas in 2006, only 10% of the individuals receiving day work services using developmental disability dollars were in supported competitive employment; less than half of the national average reported at 21.5% (Braddock, 2008). We are tied at 47th in statewide rankings of percent of people who are in supported employment versus sheltered work and day programs (Braddock, 2008). In comparisons with other states on use of Medicaid dollars for meaningful employment, Kansas ranked 46th in 2007 and 2008, a decline from 44th in

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Attachment # 22

2006 (United Cerebral Palsy, 2009). It is reported that approximately 1,100 individuals with developmental disabilities are working in part or full time competitive employment while 6,492 individuals with developmental disabilities are currently being served in day programs in Kansas (SRS Division of Health Care Policy, 2008). In addition, vocational rehabilitation data from 2006 indicate that while Kansas follows the national downward trend in supported employment numbers, our state is reported to have approximately half the number of supported employment closures when compared to the national average (Institute on Community Inclusion, Retrieved 3/24/08 from <http://www.statedata.info>).

What are the implications? **The cumulative cost of funding supported employment are significantly lower than sheltered work and day programs; \$6,618 versus \$19,388 (Cimera, 2008).** In other words, for every individual we pay to attend a sheltered work or day program, three individuals could have been funded in community integrated employment (Cimera, 2008). Kansas currently spends the majority of its dollars on funding sheltered work and day programs – on the population of people for whom supported employment was developed and has proven to be effective. Multiple systemic issues contribute to the problem. A statewide employment first policy would begin to shift these outcomes by establishing integrated competitive employment as the first option for people with disabilities. No one agency or organization can do it alone. This bill would put everyone on the same agenda, working towards the same goal, with supported competitive employment as the expected outcome and the focus of limited resources. A collaborative effort will direct our attention to the challenges we must address in order to make integrated competitive employment a reality for our citizens with disabilities. As a result, individuals with disabilities will be afforded the opportunity to experience the benefits that employment has to offer. In addition, the state of Kansas will experience a positive economic benefit as we make the change from costly sheltered work and day services to cost-efficient supported employment services.

Hello. My name is John Baldwin. I am the president of the STAND adult self advocacy group of Parsons Kansas. This group is the second largest advocacy group in the state.

I am also the vice president of the Self Advocate Coalition of Kansas.

Before I begin, I would like to thank the representatives of this committee for the opportunity to testify about House Bill 2669.

I think everyone with disabilities or without disabilities should have a job. I also think that it is wrong for people with disabilities to not have the same chance to get a community job as someone without a disability.

The Employment First Initiative will help people get the jobs that they need to pay their bills and live successful independent lives.

I don't live in the community, but I will soon. When I go out into the community, money will be my biggest concern. Having a community based job will allow me to succeed in life. Like you, I have big dreams for my life. One of my dreams is being respected the way that you are respected. Having a community job will give me the chance to have that respect.

Please think of me and the many people who share my dream to live successful, independent lives and vote House Bill 2669 into law.

Thank you, and have a great day!

House Commerce & Labor

Date: 3-9-10

Attachment # 23